

PROB 12B
(7/93)

United States District Court
for
District of New Jersey
Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Anthony Tejada

Cr.: 09-00198-001
PACTS Number: 53241

Name of Sentencing Judicial Officer: The Honorable William H. Walls
Senior United States District Judge

Date of Original Sentence: 07/27/2009

Original Offense: Conspiracy to Import Cocaine into the United States

Original Sentence: Imprisonment - 29 months; Supervised Release - 4 years; Special Assessment - \$100; Drug Testing/Treatment; DNA Collection

Type of Supervision: Supervised Release

Date Supervision Commenced: 11/30/2010

PETITIONING THE COURT

- [] To extend the term of supervision for _____ Years, for a total term of _____ Years.
[X] To modify the conditions of supervision as follows. The addition of the following special condition(s):

ALCOHOL/DRUG TESTING AND TREATMENT

You shall refrain from the illegal possession and use of drugs, including prescription medication not prescribed in your name, and the use of alcohol, and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that you shall submit to evaluation and treatment, on an outpatient or inpatient basis, as approved by the U.S. Probation Office. You shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged by the Court. You shall alert all medical professionals of any prior substance abuse history, including any prior history of prescription drug abuse. The Probation Officer shall supervise your compliance with this condition.

COMMUNITY SERVICE (100 hours over 6 months)

You shall contribute 100 hours of community service work over a period of 6 months or less. Such service shall be without compensation, with the specific work placement to be approved by the U.S. Probation Office.

NEW DEBT RESTRICTIONS

You are prohibited from incurring any new credit charges, opening additional lines of credit, or incurring any new monetary loan, obligation, or debt, by whatever name known, without the approval of the U.S. Probation Office. You shall not encumber or liquidate interest in any assets unless it is in direct service of the fine and/or restitution obligation or otherwise has the expressed approval of the Court.

OTHER CONDITIONS

You shall participate in and complete any educational, vocational, cognitive, or any other enrichment program, offered by the U.S. Probation Office or any outside agency or establishment while under supervision.

You shall not operate any motor vehicle without a valid driver's license issued by the State of New Jersey, or in the state in which you are supervised. You shall comply with all motor vehicle laws and ordinances, and must report all motor vehicle infractions (including any court appearances) within 72 hours to the U.S. Probation Office.

CAUSE

Mr. Tejada has a history of illicit drug use, specifically with marijuana. However, to his credit, he successfully completed the Code-A-Phone random drug testing program, and to date, there have been no positive results for illicit drugs. Unfortunately, over the last year, Mr. Tejada has experienced legal problems as a result of alcohol abuse.

On September 22, 2011, which is Mr. Tejada's birthday, he was arrested by the Atlantic City Police Department, Atlantic City, New Jersey, and charged with Driving While Intoxicated (DWI), Refusal to Submit to Breathalyzer, Careless Driving, and Reckless Driving. Subsequently, on December 16, 2011, he appeared in Atlantic City Municipal Court, Atlantic City, New Jersey, and pleaded guilty to Driving While Intoxicated. Mr. Tejada was sentenced to a seven (7) month driver's license suspension, a \$799 fine, and the installation of an ignition interlock device on his vehicle, to remain for one-year, once his driver's license is restored. Be advised that Your Honor was made aware of this via a Report on Offender Under Supervision (Probation Form 12A), dated November 28, 2011.

On June 19, 2012, Mr. Tejada was arrested by the Winslow Police Department, Winslow, New Jersey, and charged with Driving While Intoxicated, and Driving While License Suspended. Subsequently, on August 15, 2012, he appeared in Winslow Township Municipal Court, Winslow, New Jersey, and was sentenced to a two (2) year driver's license suspension, a fine and court costs in the amount of \$1,916, thirty (30) days community service, and the installation of an ignition interlock device on his vehicle. Mr. Tejada was ordered to serve a ten (10) day custodial term, but has been accepted into the Camden County Supplemental Labor Service program, which is an alternative to incarceration, as well as attendance at an Intoxicated Driving Program for forty-eight (48) hours.

Regarding Mr. Tejada's initial DWI, he attributed this to consuming too much alcohol at a bar in Atlantic City, New Jersey, on his birthday. Regarding Mr. Tejada's most recent DWI, he attributes this to being despondent over the fact that his grandmother was in the hospital dying. He reportedly consumed alcohol and then decided to go for a long drive. However, to Mr. Tejada's credit, he

immediately notified the undersigned officer of the aforementioned noncompliant behavior. In addition, he continues to express sincere remorse, and blames himself for making such poor choices, regardless of the circumstances. The undersigned officer will monitor Mr. Tejada's compliance with the sentence imposed in Winslow Township Municipal Court, which is punitive and contains an element of substance abuse treatment.

The undersigned officer has met with Mr. Tejada on several occasions to discuss the sanctions the Court could impose as a result of his irresponsibility while driving a motor vehicle, particularly, after consuming alcohol. He is agreeable to performing one-hundred (100) hours of community service and signed a Waiver of Hearing form, which is attached herein, and is aware that this is a very generous sanction. Mr. Tejada also intends to complete a New Directions Driver Responsibility Lifeskills Course workbook, with the undersigned officer periodically reviewing it to ensure timely completion, as well as participate in a Moral Reconation Therapy (MRT) group once a week at the Linwood Probation Office.

Respectfully submitted,

Denise E. Valletto-Haywood
By: Denise E. Valletto-Haywood
U.S. Probation Officer

Date: 09/21/2012

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ The Extension of Supervision as Noted Above
☐ No Action
☐ Other

[Signature]

Signature of Judicial Officer

3 October 2012

Date

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows. The addition of the following special condition(s):

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COMMUNITY SERVICE (100 hours over 6 months)

You shall contribute 100 hours of community service work over a period of 6 months or less, from the date supervision commences. Such service shall be without compensation, with the specific work placement to be approved by the U.S. Probation Office.

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You are prohibited from incurring any new credit charges, opening additional lines of credit, or incurring any new monetary loan, obligation, or debt, by whatever name known, without the approval of the U.S. Probation Office. You shall not encumber or liquidate interest in any assets unless it is in direct service of the fine and/or restitution obligation or otherwise has the expressed approval of the Court.

OTHER CONDITION

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You shall not operate any motor vehicle without a valid driver's license issued by the State of New Jersey, or in the state in which you are supervised. You shall comply with all motor vehicle laws and ordinances, and must report all motor vehicle infractions (including any court appearances) within 72 hours to the U.S. Probation Office.

Witness: Denise E. Valletto-Haywood
U.S. Probation Officer
Denise E. Valletto-haywood

Signed: Anthony Tejada
Probation Officer of Supervised Releasee
Anthony Tejada

9-24-12

DATE